

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOHN LYLES, *individually*
and on behalf of all others similarly situated,

Plaintiffs,

v.

No. 2:24-cv-728 SMD/KRS

T and DS LUBE DOCTORS LLC;
and LUCAS DOWDY,

Defendants.

ORDER

Currently before the Court is the Joint Motion To Amend Scheduling Order [Deadlines] (“Motion”) filed by Plaintiff John Lyles and Defendants T and DS Lube Doctors LLC and Lucas Dowdy. (Doc. 22). In their proposed amended scheduling order attached as an exhibit to the Motion, the parties state as follows:

As Plaintiff’s Motion for Conditional Certification (Plaintiff’s “Motion”) (ECF No. 15) remains pending and the scope of the case is not yet known, the Parties respectfully request the Court adopt the amended scheduling order recommendations so that the Parties may complete fact discovery on any potential opt-in plaintiffs.

(Doc. 22-1 at 1). In a footnote accompanying this text, the parties state:

The Parties submit these recommendations with the understanding that if Plaintiff’s Motion were granted, there could be a sixty (60) day opt-in period, and then discovery could be quickly completed on those individuals once the opt-in period closes.

(*Id.* at 1 n.1).

Immediately after the Motion was filed, the presiding judge entered an order granting Plaintiff’s motion for conditional class certification (Doc. 23). **ACCORDINGLY**, the Motion is **DENIED WITHOUT PREJUDICE**. The parties are directed to re-file their Joint Motion with a revised proposed scheduling that takes into account the presiding judge’s order granting

conditional class certification, including the 60-day opt-in notice period approved in the order. The parties' proposed deadlines should include, at a minimum, deadlines for all expert reports (final class certification and merits for the entire class), and all discovery (final class certification/decertification and merits for the entire class). Simultaneous with filing a renewed joint motion, the parties are directed to email a WORD version of their revised proposed amended scheduling order to *Sweazeaproposedtext@nmd.uscourts.gov*. The parties are directed to file the renewed motion with a revised proposed amended scheduling order, or seek an extension, on or before **July 15, 2025**.

IT IS SO ORDERED this 24th day of June, 2025.



KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE